

Senate File 508

S-3174

1 Amend Senate File 508 as follows:

2 1. Page 3, line 17, after <b.> by inserting <(1)>

3 2. Page 3, after line 21 by inserting:

4 <(2) Any person who is injured in person or  
5 property or means of support by a person using or  
6 exploding consumer fireworks has a right of action for  
7 all damages actually sustained, severally or jointly,  
8 against that retailer or community group that sold  
9 the consumer fireworks that caused the injury if the  
10 retailer or community group was not covered by public  
11 liability insurance and product liability insurance as  
12 required by this paragraph "b" at the time of selling  
13 the consumer fireworks.>

14 3. Page 7, line 15, after <Fireworks> by inserting  
15 <— sales and use — penalties>

16 4. Page 9, by striking line 35 and inserting:

17 <3. 5. Liability. A person who purchases a  
18 consumer firework or novelty shall be jointly and  
19 severally liable for damages, including emotional  
20 distress, caused by the ignition, explosion, operation,  
21 or use of the consumer firework or novelty and shall be  
22 jointly and severally liable for court costs, expenses,  
23 and reasonable attorney fees incurred by the party  
24 bringing the action. This subsection shall not impose  
25 any liability on a purchaser for damages that result  
26 from the ignition, explosion, operation, or use of a  
27 consumer firework or novelty if the consumer firework  
28 or novelty was acquired by another person without the  
29 knowledge or consent of the purchaser. A person liable  
30 for damages to property under this subsection is liable  
31 to pay three times the actual damages to the property  
32 which resulted from the ignition, explosion, operation,  
33 or use of the consumer firework or novelty.

34 6. Applicability.>

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